

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

FILED
JAMES J. WALDRON
CLERK

MAY 21 2010

IN RE:

ANTOINETTE MANISCALCO,

CASE NO:
CHAPTER: 13

DEBTOR.

U.S. BANKRUPTCY COURT
CAMDEN, NJ
BY WJ DEPUTY

APPLICATION FOR ORDER TO AVOID LIENS UNDER
11 U.S.C. § 522(f), PURSUANT TO FED. R. BANKR. P. 4003(d)

The application of Andrew K. de Heer, Esquire, respectfully represents:

1. I am an attorney at law duly admitted to practice before the courts of the State of New Jersey and before the United States District Court for the District of New Jersey. In this capacity, I represent the debtor, Antoinette Maniscalco in the above captioned Chapter 13 case.
2. The within Motion for Order authorizing the debtor to avoid , the original of which is filed with the Bankruptcy Court concurrently herewith, seeks approval of the Court to avoid the judgment lien of the State of New Jersey, Division of Taxation for the proposed sale of the debtor's residential real property known as 1024 Lynwood Lane, Somerdale, New Jersey.
3. Debtor obtained a third party purchaser for value ready and able to purchase the property on or about November 15, 2009.
4. Since then the purchaser has been awaiting the seller/debtor to complete the sale before expiration of the mortgage pre-approval period.
5. Debtor's 11 U.S.C § 522(f) (1) (A) residential and miscellaneous exemptions are encumbered by a judicial lien possessed by the State of New Jersey, Division of Taxation resulting from judgment, DJ-74232-06..
6. The fair market value of the property based on comparable sales is presently \$167,956.00 and the debtor has an offer to purchase for \$176,000.00, which proposes to close on May 28, 2010.

7. Currently, secured claim of mortgagor, Beneficial Bank is approximately \$157,500.00.
8. Market value of debtor's interest in the aforementioned property is therefore approximately \$14,200.00 after concessions and closing costs.

WHEREFORE, the undersigned moves the Court to avoid the lien of the State of New Jersey under judgment, DJ-74232-06 pursuant to 11 U.S.C. § 522(f) (1) (A) on the ground that said lien impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(b).

Date: May 20, 2010

Respectfully submitted,
DEHEER BUREAU ADVOCATO

By: 

Andrew K. de Heer

[Rev. April 15, 1997]